

CITY OF ISSAQUAH

MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

Description of Proposal: Construct an 82-unit, 4-story, 96,500 SF assisted living building with 50 below-building parking stalls and 2 surface stalls. The total site area is 2.32 acres; the developable site area is limited to 1.09 acres because steep slopes and the buffer of the North Fork Issaquah Creek constrain the east portion of the site. The applicant proposes to reduce the steep slope buffer from 50 feet to 10-20 feet. The 100-foot stream buffer would not be reduced; trails/boardwalks encroaching into the stream buffer would be mitigated with buffer averaging.

The site would be accessed from a driveway off Issaquah-Fall City Road and a driveway off Black Nugget Road.

Proponent: James Brown
Wattenbarger Architects
2100 112th Ave NE, Suite 100
Bellevue, WA. 98004

Permit Number: SDP15-00006 – Sunrise Assisted Living

Location of Proposal: 23599 SE Issaquah-Fall City Road

Lead Agency: City of Issaquah

Determination: The lead agency has determined this proposal would not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Comment/Appeal Period: This Mitigated Determination of Nonsignificance is issued under WAC 197-11-340(2) and 197-11-680(3)(a)vii, and is based on the proposal being conditioned as indicated below. There is a 21-day combined comment/appeal period for this determination, between **March 10, 2016 to March 31, 2016**. Anyone wishing to comment may submit written comments to the Responsible Official. The Responsible Official will reconsider the determination based on timely comments. Any person aggrieved by this determination may appeal by filing a Notice of Appeal with the City of Issaquah Permit Center. Appellants should prepare specific factual objections. Copies of the environmental determination and other project application materials are available from the Issaquah Development Services Department, 1775 12th Avenue NW.

Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250.

Notes:

1. This threshold determination is based on review of the Plan Set including architectural, civil, and landscape plans received December 16, 2015; Critical Areas Assessment (Habitat Technologies, dated November 12, 2015); Tree Health Assessment (Sue Nicol, dated November 24, 2015); Preliminary Drainage Report/Technical Information Report (Beyler consulting, dated November 2015); Geotechnical Reports (Icicle Creek Engineers, dated November 25, 2015 and January 18, 2016); Geotechnical Peer Review (Golder Associates, dated February 9, 2015); Traffic Impact Analysis (transpogroup, dated August 19, 2015, November 17, 2015, December 2015); SEPA environmental checklist received December 16, 2015; and other documents in the file.

- 2) Issuance of this threshold determination does not constitute approval of the project proposal. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate development activities, including the Central Issaquah Plan, Critical Area Regulations, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

Findings:

1. Steep slopes – The east portion of the site is a steep forested ravine and the North Fork Issaquah Creek is at the bottom of the ravine. In the northeast part of the site the ravine slopes down nearly 173% (60 degrees) and along the south part of the site the slope inclinations range from 84% to 100% grade (40 to 45 degrees).

A geotechnical engineering report (Icicle Creek Engineers, November 25, 2015) was prepared to evaluate geologic and soil conditions. The report recommends reducing the steep slope buffer to 10 feet with a 15-foot building setback, increasing the buffer width to 20 feet with a 15-foot building setback along the northeast part of the site where the steep slope grade is near 60%. The site plan shall be revised to show a 20 foot steep slope buffer in the northeast part of the site, consistent with the geotechnical report recommendation.

The City required a peer review of the geotechnical report and the proposed steep slope buffer reduction (Geotechnical Peer Review, Golder Associates, dated February 9, 2016). The peer review concurred with the steep slope buffer reduction as recommended in the Icicle Creek Engineer's geotechnical report, provided the report's recommendations are implemented, specifically in regard to site preparation, excavations and foundations, drainage and erosion control.

Site specific building permit plans were not evaluated by the geotechnical study. The applicant shall submit a geotechnical report evaluating specific building and grading plans with the submittal of building permits. A third-party independent review of the geotechnical report and building plans may be required at the applicant's expense.

The geotechnical report addendum (Icicle Creek Engineers, Response to Peer Review Comments, January 18, 2016) emphasizes the importance of maintain existing vegetation at the top and within the steep slope area to maintain stable slope conditions. Therefore, removal of existing trees within the steep slope buffer and steep slope area shall be allowed only on a case-by-case basis for hazardous trees.

A boardwalk and observation deck is proposed at the edge of the steep slope area, cantilevering into the 10-foot steep slope buffer and over the steep slope area. No construction or alterations are allowed into steep slope areas or reduced buffers without a variance approval. The boardwalk and observation deck shall not encroach or cantilever into the steep slope area or the reduced steep slope buffer. The boardwalk and observation deck may be located within the 15-foot building setback required from the edge of the buffer provided the boardwalk and observation deck are less than 30 inches above finished grade (IMC 18.10.515.D.2). The geotechnical report addendum (Icicle Creek Engineers, Response to Peer Review Comments, January 18, 2016) recommends a pier foundation system to minimize excavation and ground disturbance and specifically recommends the "Diamond Pier" foundation versus excavating for concrete piers. The foundation elements for the boardwalk/observation deck shall be constructed with a "Diamond Pier" foundation system (or equivalent as approved by the City) to minimize ground disturbance close to the edge of the steep slope area.

2. Streams: The North Fork Issaquah Creek is down the steep wooded ravine along the south site boundary. The North Fork Issaquah Creek is rated as a Class 2 stream with salmonids (Class 2S) and requires a 100-foot buffer. Because the stream buffer is associated with steep slopes, no reduction of

the stream buffer is allowed (IMC 18.10.790.A). The proposal includes a 100-foot stream buffer consistent with the code. The applicant has proposed to reduce the 15-foot building setback from the edge of the stream buffer to a minimum of 5 feet along north part of the building.

A Critical Areas Assessment (Habitat Technologies, November 12, 2015) evaluated the site for critical areas (i.e. wetlands, streams, critical fish and wildlife habitats). The report concluded there are no wetlands on the subject site and that the 100-foot stream buffer and protection of the steep forested slope down to the stream would prevent impacts to the North Fork Issaquah Creek.

The back side of the building, facing toward the steep slope ravine, is proposed as a landscaped, outdoor community space for the residents. This area is within the 100-foot stream buffer and steep slope buffer area. Existing trees within the critical area buffers cannot be removed unless verified as hazardous trees by a certified arborist. The landscape plan (Sheet L1.1) states the landscape area (approximately 15,000 SF) would be enhanced with native plants and the plan shows additional native tree species. Only native plants are allowed within the stream buffer (IMC 18.10.770.C). The applicant shall provide a revised landscape plan showing retention of all native trees within critical areas and buffers that have not been determined to be hazardous trees by a certified arborist. All landscape planting within critical areas and buffers shall be native plant species.

The boardwalk and observation deck (1,085 SF) extend into the 100-foot stream buffer.

Development encroachments are allowed within the outer 25% of the stream buffer, or the outer 25 feet of the 100-foot stream buffer, provided buffer averaging or adding a buffer area equal to the area of buffer encroachment is provided. The plans (Sheet A-4) show an added stream buffer area of 1,085 SF, equal to the area of the boardwalk and observation deck encroachment.

3. Stormwater: A Preliminary Drainage Report (Beyler Consulting, November 2015) was prepared to address core requirements, off-site drainage analysis, stormwater facility flow control and water quality design. The project will be required to meet standards of the 2009 King County Surface Water Design Manual with the 2011 City of Issaquah Addendum.

A stormwater detention vault is proposed under the building. The proposal includes 2 potential options for stormwater discharge; discharging to a dispersal trench at the top of the slope or a tight-line option to install a stormwater line down the steep slope to discharge at the base of the slope. The site is mapped as an erosion hazard area and discharging stormwater at the top of the slope could result in erosion and/or slope instability. Therefore, the applicant shall tight-line stormwater down the steep slope area to avoid potential erosion and slope stability impacts. Additional geotechnical evaluation for the tight-line pipe option shall be provided, including: 1) Recommendations for the design and construction of the pipe, and, if required, any pipe anchors or foundations to minimize the impact to the steep slope; 2) Evaluation of the potential for erosion and undercutting the toe of the slope at the tight-line discharge point; 3) Recommendations for tight-line discharge point design and construction to minimize potential erosion and undercutting of the toe of slope. The stormwater tight-line may be constructed by underground boring or by partial burial on the ground surface. The specific method for the stormwater tight-line construction shall be determined with construction permits; after consideration of slope stability and minimizing impacts to vegetation.

4. Traffic: The site would be accessed from a driveway off Issaquah-Fall City Road and from a driveway at the north end of the site off Black Nugget Road.

A Traffic Impact Analysis (transpogroup; August 19, 2015, November 17, 2015, December 2015) was completed to document trip generation from the proposal and to evaluate the level of service (LOS) and safety and operations for the site access drives off Issaquah- Fall City Road and Black Nugget Road. The report estimates the proposal would generate approximately 279 daily weekday

trips; with 15 trips occurring during the weekday AM peak hour (10 entering, 5 exiting) and 23 weekday PM peak hour trips (10 entering, 13 exiting).

Under the City's new concurrency standards (adopted by Ordinance #2733, effective February 2, 2015), individual development applications are not required to evaluate their project traffic impacts on the local street system, provided a proposal is consistent with the City's planned growth that was assumed and previously evaluated in the traffic concurrency model. The City completed a system-wide transportation concurrency assessment for future planned growth and road improvements were identified to mitigate for the corresponding planned growth. According to the City's traffic model, adopted level of service (LOS) standards would be maintained and development projects would be concurrent provided the identified road improvements are constructed. A transportation impact fee was calculated to fund the road improvements identified in the concurrency model and on the City's Transportation Improvement Program (TIP). Development proposals can therefore mitigate for their traffic impacts by payment of the traffic impact fee.

The subject development proposal is consistent with the growth assumptions included in the traffic concurrency model. Therefore, the proposed development can withdraw trips from the "trip bank" that was calculated for concurrency and can mitigate their traffic impacts by payment of the traffic impact fee.

The Traffic Impact Analysis (transpogroup, November 17, 2015) concluded the driveway access onto Issaquah-Fall City Road would operate at level of service (LOS) B, meeting the City's adopted LOS standard of LOS D. It also concluded that a deceleration and acceleration lane would not be warranted at the driveway access on Issaquah-Fall City Road considering safety and operational elements.

The plans currently show right-in/right-out turn restrictions for both driveways and a right turn pocket on Black Nugget Road due to the proximity of the driveway to the signalized intersection. The applicant shall install c-curbs to restrict left-turn access at both driveways, and shall install right-turn only signs at both driveways. These improvements shall be shown on the plans prior to issuance of construction permits.

6. Bicycle and Pedestrian Facilities – The *Nexus Study for Bicycle and Pedestrian Facilities Mitigation Fees* (Henderson Young & Company, December 10, 2014) was adopted by the City Council, Ordinance #2733, effective February 2, 2015. The study quantifies the direct impact of new development on the current system of bicycle and pedestrian facilities and the additional demands from future growth to maintain the adopted level of service. The report uses trip generation rates based on the different land use types to quantify the impacts of new development. It also identifies 16 specific bicycle and pedestrian projects that are needed to support the City's level of service standard. Payment of mitigation fees as determined in the study may satisfy a development's requirement to mitigate their project impacts on the level of service standard. If the developer doesn't voluntarily use the methodology and mitigation fees as determined in the report, the developer may choose other methods to quantify and mitigate their impact including conducting a study of its impacts and identifying alternate means of mitigating impacts to achieve the adopted standards. The mitigation fee is presently \$120.72/bed. The mitigation fee will be assessed with issuance of building permits and the actual cost of the mitigation fee will be the adopted fee in effect at the time of permit issuance. Applicant objections to the voluntary payment should be made during the SEPA comment period.
7. Public Services - The proposal would have a potential impact on public services, including police and general government buildings. IMC Chapter 3.74, *Methods to Mitigate Development Impacts*, provides alternatives to mitigate for direct impacts of proposed development. The City may approve

a voluntary payment in lieu of other mitigation. Rate studies for police facilities and general government buildings are included in IMC 18.10.260 as the City's SEPA policy base. The rate studies present the methodology and formulas for determining the amount of the mitigation fee commensurate with the proposed land use and project impacts. The current mitigation fee for non-residential uses is \$0.04932/SF for general government and the police mitigation fee for hospital/nursing homes is \$0.13562/SF. The mitigation fee will be assessed with issuance of building permits and the actual cost of the mitigation fee will be the adopted fee in effect at the time of permit issuance. Applicant objections to the voluntary payment should be made during the SEPA comment period.

Mitigation Measures: The Mitigated Determination of Nonsignificance is based on the SEPA environmental checklist received December 16, 2015 and supplemental technical information and reports listed in the Notes. The following SEPA mitigation measures shall be deemed conditions of the approval of the licensing decision pursuant to Chapter 18.10 of the Issaquah Land Use Code. All conditions are based on policies adopted by reference in the Land Use Code.

1. The Critical Area Regulations require the following measures:
 - 1) The outer extent of the critical area buffers shall be fenced in the field with installation of temporary erosion sedimentation control (TESC) measures, prior to beginning construction and maintained through the duration of construction activities. Only approved landscape improvements are allowed in the critical area buffers.
 - 2) Permanent survey stakes using current survey standards shall be set to delineate the boundaries of the critical area buffers.
 - 3) Critical areas and buffers shall be protected from development in perpetuity with a Native Growth Protection Easement (NGPE) recorded on the property title.
2. The site plan shall be revised to show a 20 foot steep slope buffer in the northeast part of the site, consistent with the Icicle Creek Engineers geotechnical report recommendation.
3. The Icicle Creek Engineer's geotechnical reports (November 25, 2015, January 18, 2016) include specific recommendations in regard to site preparation, excavations and foundations, drainage and erosion control. These recommendations shall be implemented on construction plans and with construction practices.
4. Site-specific building permit plans were not evaluated by the geotechnical study. The applicant shall submit a geotechnical report evaluating specific building and grading plans with the submittal of building permits. A third-party independent review of the geotechnical report and building plans may be required at the applicant's expense.
5. Removal of existing trees within the steep slope buffer and steep slope area shall be allowed only on a case-by-case basis for hazardous trees.
6. The boardwalk and observation deck shall not encroach or cantilever into the steep slope area or the reduced steep slope buffer. The boardwalk and observation deck may be located within the 15-foot building setback from the edge of the buffer provided the boardwalk and observation deck are less than 30 inches above finished grade, except as required to maintain an accessible slope across irregularities in existing grade to allow for reasonable accommodation in accordance with ADA title ii.

7. The foundation elements for the boardwalk/observation deck shall be constructed with a "Diamond Pier" foundation system (or equivalent as approved by the City) to minimize ground disturbance close to the edge of the steep slope area.
8. The applicant shall provide a revised landscape plan showing retention of all native trees within critical areas and buffers that have not been determined to be hazardous trees by a certified arborist. All landscape planting within critical areas and buffers shall be native plant species.
9. The applicant shall tight-line stormwater down the steep slope area to avoid potential erosion and slope stability impacts. Additional geotechnical evaluation for the tight-line pipe shall be provided, including: 1) Recommendations for the design and construction of the pipe, and, if required, any pipe anchors or foundations to minimize the impact to the steep slope; 2) Evaluation of the potential for erosion and undercutting the toe of the slope at the tight-line discharge point; 3) Recommendations for tight-line discharge point design and construction to minimize potential erosion and undercutting of the toe of slope. The stormwater tight-line may be constructed by underground boring or by partial burial on the ground surface. The specific method for the stormwater tight-line construction shall be determined with construction permits; after consideration of slope stability and minimizing impacts to vegetation.
10. The applicant shall install c-curbs to restrict left-turn access at both driveways, and shall install right-turn only signs at both driveways. These improvements shall be shown on the plans prior to issuance of construction permits.
11. The applicant shall mitigate for potential impacts on public services and bicycle and pedestrian facilities. The City may approve a voluntary payment in lieu of other mitigation. The current mitigation fee is \$0.04932/SF for general government and \$0.13562/SF for the police mitigation fee, and \$120.72/bed for the bicycle/pedestrian mitigation fee. The mitigation fees will be assessed with issuance of building permits and the actual fee amount will be the adopted fee in effect at the time of permit issuance. Applicant objections to the voluntary payment should be made during the SEPA comment period.

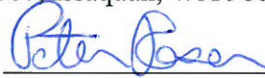
SEPA Responsible Official: Peter Rosen

Position/Title: Senior Environmental Planner

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Date: 3/10/2016

Signature:



cc: Washington State Department of Ecology
Muckleshoot Indian Tribe
U.S. Army Corps of Engineers
Washington State Department of Fish and Wildlife
Washington State Department of Archeology and Historic Preservation (DAHP)
Parties of Record
Issaquah Development Services Department
Issaquah Parks and Public Works Engineering Departments